

DENIED

Terry L. Wooten
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

DATE [#] WRIGHT 255697
PLAINTIFF,

RECEIVED
CIA NO. 1:11-249-TLW
PLAINTIFFS MOTION
TO ALTER/AMEND
JUDGEMENT
RULE-59(e)

vs. WEBBER et al.
DEFENDANTS,

NOW COMES PLAINTIFF RESPECTFULLY TO
MOVE THIS COURT ON MOTION TO ALTER AND
AMEND ITS JUDGEMENT IN THE ABOVE TITLED
CASE PURSUANT TO RULE 59. OF THE FRCP.
PLAINTIFF REQUEST THAT THE MAGISTRATE RECALL
THE RULING SET FORTH IN THE REPORT AND
RECOMMENDATION ENTERED ON 7/3/12.

PLAINTIFF HAS NOW SUBMITTED HIS AMENDED/
SUPPLEMENTAL PLEADINGS (RESPONSE TO DEFENDANTS
MOTION FOR SUMMARY JUDGEMENT AND OBJECTIONS
TO MAGISTRATES' REPORT AND RECOMMENDATION)
THESE PLEADINGS WILL AID IN PRESENTING THE
MERITS OF THE PLAINTIFFS CASE BY CONFORMING
TO THE EVIDENCE AND SETTING FORTH EVIDENCE
WITH SPECIFICITY TO SUPPORT HIS CLAIMS.

DEFENDANTS WILL NOT BE PREJUDICED BY AN
ALTERED/AMENDED JUDGEMENT IN MAINTAINING
THEIR DEFENSE.

THE MAGISTRATES' REPORT AND RECOMMENDATION
CONTENDS THAT THE PLAINTIFF HAD NOT RESPONDED
SUBSTANTIVELY TO DEFENDANTS MOTION FOR SUMMARY
JUDGEMENT. AND PLAINTIFF IN HIS INITIAL OBJEC-
TIONS TO MAGISTRATES REPORT AND RECOMMENDATION
SHOWED WITH DOCUMENTARY EVIDENCE / DECLARATION
AND CASE LAW THAT HIS FAILURE TO RESPOND WAS
DUE TO MISUNDERSTANDING BY A PRO SE PRISONER
LITIGANT WHO SUFFERS FROM A MENTAL ILLNESS,
WITH NO TRAINING AND EXPERIENCE IN LAW.
AND THAT HE WAS JUSTIFIED IN HIS BELIEF THAT HE
WAS EXCUSED FROM RESPONDING BECAUSE MAGISTRATE
HAD GRANTED EXTENSION TO DEFENDANTS THAT
EXTENDED BEYOND THE APRIL 18TH, 2012 DATE
THAT WAS SET FORTH-ORDERED BY MAGISTRATE
TO RESPOND (SEE PLAINTIFFS OBJECTION TO MAGISTRATES'

REPORT AND RECOMMENDATION AND DECLARATION IN SUPPORT OF.

ALSO THE COURT SHOULD NOTE THAT THE PLAINTIFF SOUGHT AND RECEIVED AN EXTENSION OF TIME TO FILE OBJECTIONS TO THE MAGISTRATE'S REPORT AND RECOMMENDATION AND WAS GRANTED UNTIL THE 20TH OF AUGUST, 2012 TO DO SO, THEREFORE PLAINTIFF HAD UNTIL THE 20TH OF AUGUST TO AMEND / SUPPLEMENT HIS INITIAL OBJECTIONS FILED ON AUGUST 6TH, 2012, BUT WAS UNABLE TO DUE TO CIRCUMSTANCES BEYOND HIS CONTROL WHICH INCLUDE LEGAL MATERIALS BEING LOSS BY PRISON OFFICIALS DURING THE PLAINTIFFS' TRANSFER FROM FERRY CORR INST. TO ALLENDALE CORR. INST. ON AUG. 9, 2012. (EXHIBITS ON FILE).

IN THE INTEREST OF JUSTICE AND FINALITY PLAINTIFF REQUEST THE ABOVE MENTIONED JUDGEMENT BE ALTERED AND OR AMENDED RE-OPENING PLAINTIFFS' CASE.

Allen Wright,

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

ALLEN WRIGHT # R55097
PLAINTIFF

CIANO.1:11-2199-TJW

VS.

JASON WEBBER et al
DEFENDANTS

CERTIFICATE
OF
SERVICE

THE UNDERSIGNED HEREBY CERTIFIES
THAT HE HAS SERVED ON U.S. DISTRICT
COURT AND DEFENDANTS, PLAINTIFFS' MOTION
TO ALTER OR AMEND JUDGEMENT - RULE 59(c).
BY U.S. MAIL, POSTAGE PREPAID, ADDRESSED AS
FOLLOWS:

U.S. DISTRICT COURT
CLERK'S OFFICE
901 RICHLAND STREET
COLUMBIA, S.C. 29201

MCDONALD PATRICK POSTON
HEMPHILL & ROPER, LLC
414 GREENWOOD, S.C. 29648-1547

DATE: OCT. 3, 2012

Allen Wright,